Planning

Growth & Development

Delegated officer report for planning application

Application no.	137729/FH/2023
Date registered valid:	31 July 2023
Proposal:	Erection of first floor extensions to the side; erection of two dormer roof extensions to the rear and installation of four rooflights to front; erection of single storey outbuilding and installation of sliding gates to vehicular entrance.
Address:	72 Bloomesbury Avenue, Manchester, M20 2BN
Ward(s):	Didsbury East Ward
Applicant:	Mr Billy Singh
Agent (if any):	Mr Justin Keleghan Plans To Build It Ltd
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	11 October 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 4 September 2023.

Standard consultations:
Printed: 15 August 2023 Expired: 5 September 2023

Neighbour notifications
Printed: 15 August 2023 Expired: 5 September 2023

Site notice
Posted: 4th September 2023 Expired: 25th September 2023

Press advert
Published: 22 August 2023 Expired: 5 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Adjacent properties at 807 and 809 Wilmslow Road, together with all properties within The Grove are Grade II Listed Buildings.

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: No specific TPO but all trees have a level of protection by virtue of the property being within a conservation area

The application relates to a site situated within a primarily residential area within the Didsbury East Ward of Manchester. The dwelling house no. 72 Bloomesbury Avenue was constructed as part of planning permission granted in 2015 for the wider redevelopment of the former Manchester Metropolitan University Didsbury Campus.

The proposal site dwelling is constructed externally from red facing brick with buff stone detailing. The dwellings design includes a pitched roof with side facing gable ends and includes a two-storey gable end projecting on the Bloomesbury Avenue elevation and two ground floor bay windows and front door detail on the Wilmslow Road elevation which provides a bespoke designed elevation to the street frontage adding interest and ensuring the overall redevelopment of the site adds visual interest to the main Wilmslow Road frontage whilst not being the principal elevation. The side elevation of the dwelling has a flat roof extension, which is original, and includes a first-floor balcony area which looks over into the side garden of the proposal site property.

The proposal dwelling has existing off-road parking accessible from Bloomesbury Avenue. The proposal site is surrounded by a mixture of metal and timber fencing including planted mature hedges.

The dwelling is located within the Didsbury St James Conservation Area which was designated by the Council in 1970. The conservation area is centred on the historical core of Didsbury, at the junction of Wilmslow Road and Stenner Lane. The greatest concentration of listed buildings in Manchester, outside the city centre, is to be found in this conservation area.

Prior to the Industrial Revolution, Didsbury was a small agricultural hamlet within the sub-manor of Withington. The earliest recorded reference to it is provided by the granting, in 1235, of land for the building of a chapel. This became the parochial church of St. Oswald, later changing its name to St. James in 1855, the Grade II* St James Church is located approximately 220 metres to the east of the application property and replaced an earlier church, and is the oldest building within the conservation area, with parts of it, including the tower, dating from 1620. Near the church on Stenner Lane was a spring or well which provided water and permitted the growth of the hamlet over the next few hundred years. The original centre of the village is at the point on a pronounced bend in Wilmslow Road where it is joined by Stenner Lane. At this location the road is wide where formerly there would have been a green. Two public houses and a restaurant are located here.

The 19th century brought more radical changes and the character of the conservation area as it is today was established by businessmen who had acquired their wealth from the Industrial Revolution and who built large villas and country houses among the trees overlooking the River Mersey and on avenues such as Didsbury Park. The conservation area also contains examples of more modest houses of this period, such as those in Kingston Road and the Grove, which benefit considerably from their fine wooded setting. The latter were built by the Watts family for their farm managers in the 1870s.

Description of the proposal

The erection of first floor extensions to the side; erection of two dormer roof extensions to the front and installation of four rooflights to rear; erection of single storey outbuilding and installation of sliding gates to vehicular entrance.

Planning History

135645/TCA/2022 Works to tree - proposed felling of Beech tree in rear garden adjacent to Wilmslow Rd - Refused

135515/FH/2022 The erection of first floor side extensions, single storey outbuilding and installation of vehicular access gates and piers and two Velux windows. Withdrawn.

122516/FH/2019 Erection of single storey side extension. Approved.

108541/00/2015 Outline application for development comprising: the erection of 42 no. dwellinghouses, erection of four storey building with basement car parking to form 7 no. apartments following demolition of existing buildings; change of use of the former Main Administrative building to form 32 dwellings (10 no. townhouses and 22no. apartments) etc Approved.

Amongst other things this approval removed permitted development rights for the installation of outbuildings due to the relationship of the site and proposed properties to Listed Buildings and it being within the Didsbury St James Conservation Area, and further consideration of such structures was necessary through planning applications to determine impacts on these designated heritage assets.

116980/MO/2017 Reserved Matters application with respect of access, appearance, landscaping, layout and scale on plots 25 and 42 (amendments to house types, siting, landscaping and drainage following planning permission reference 108541/OO/2015/S2). Approved.

Consultations & Notification Responses

The proposal was advertised in the local press and a site notice was erected close to the site stating the proposal lies within the Didsbury St James Conservation Area. Further to the erection of a site notice, the occupiers of the surrounding properties were notified, and two objections were received, raising concerns the dormer windows would result in overlooking and impact on privacy levels enjoyed by the occupants of the surrounding properties, and the proposal is out of character with the conservation area and is overdevelopment.

One objector raised concerns the outbuilding could be used for an Air BnB type use and constitutes loss of green garden space that needs protecting, and the outbuilding would set a dangerous precedent for outbuildings harmful to the area.

Policy

Section 72 of the Listed Building Act - Provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in September 2023. It sets out the Government's planning policies for England and how these are expected to be applied.

The Framework has been related to the proposed development, with particular emphasis given to the following:

National Planning Policy Framework - Sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

There should be a presumption in favour of sustainable development and plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126).

Paragraph 130 further states that planning decisions should ensure that developments:

a) Will function well and add to the overall quality of the area over the lifetime of the development.
b) Are visually attractive as a result of good architecture, layout and landscaping.
c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Chapter 16: Conserving and enhancing the historic environment - Paragraphs 189 through 208 relate to Conserving and Enhancing the Historic Environment.

Paragraph 189 states these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 195 says that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 197 states in determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 207 states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1- identifies the City Council's Core Development Principles and states that development in all parts of the City should: -

Make a positive contribution to neighbourhoods of choice including: -

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.

- Protect and enhance the built and natural environment
Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1- states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document: -

Appropriate siting, layout, scale, form, massing, materials and detail.

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located.

Policy EN1 has been related to the assessment of the quality of the elevational design and its contribution to the built environment and relationship to Didsbury St James Conservation Area.

Policy EN3 (Heritage)- relates to heritage and states that, throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those in the City Centre.
New development must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled monuments, listed buildings registered parks and gardens, conservation areas and archaeological remains.

Unitary Development Plan

Saved Policy DC1.1 states that in determining planning applications for extensions to residential properties, the Council will have regard to:

a. The general character of the property.
b. The effect upon the amenity of the neighbouring occupiers.
c. The desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs.
d. The overall appearance of the proposal in the street scene.
e. The effect of the loss of any on-site car parking.
DC1.2 states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:
a. They are not excessively large or bulky (for example resulting in structures which are not subservient to original houses or project out too far in front of original buildings).
b. They do not create undue loss of sunlight, daylight or privacy.
c. They are not out of character with the style of development in the area or the surrounding scene by virtue of design, use of materials or construction details.
DC1.3 Notwithstanding the generality of the above policies, the council will not normally
a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

Saved policy DC18.1 relates to conservation areas and states that the council will give particularly careful consideration to development proposals within Conservation Areas.

a) the council will seek to preserve and enhance the character of its designated Conservation Areas by carefully considering the following issues:

I) the relationship of new structures to neighbouring buildings and spaces
II) the effect of major changes to the appearance of existing buildings
III) the desirability of retaining existing features such as boundary walls, gardens, trees (including street trees)
IV) the effect of signs and advertisements
V) any further guidance on specific areas which has been approved by the council

Saved Policy DC19 Listed Buildings

Saved UDP policy DC19.1 (Listed Buildings) states, ‘that in determining applications for listed building consent or applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to, amongst other things, protecting their general setting. The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new developments in their vicinity’. The proposed extension would lie next to listed buildings and as a result of the outbuilding relationship with the neighbouring listed building, it is considered that the proposal would not preserve or enhance their setting. For the above reasons, the proposal is considered to be unacceptable and consistent with policies EN3 and DM1 of the Core Strategy and saved policies DC19.1 of the Unitary Development Plan.

Issues

Principle

Extending a residential property, for the erection of first floor extensions to the side; erection of two dormer roof extensions to the front and the installation of four rooflights to the back; and the erection of a single storey outbuilding, in order to provide additional living accommodation for a family dwellinghouse is normally acceptable in principle, given the provisions of saved UDP

policy DC1. However, in this instance further consideration must be given to the proposals siting, scale, design, appearance and impact upon visual amenity, as well as its impact upon the character of the area and the Didsbury St James conservation area within which it sits together with impacts on the setting of adjacent listed buildings.

The principle of allowing residents to extend their homes to provide enlarged or improved accommodation is generally acceptable provided that there is no overriding, undue impact upon either the character of the property or upon the residential and visual amenity of nearby residential occupiers. Policy DC 1 of the Unitary development plan for Manchester states, 'many people prefer to extend their existing homes rather than move, and the planning system needs to accommodate this demand for more living space, white at the same time ensuring that the amenities of neighbours are protected, and that the overall character of the surrounding area is not harmed.

In this instance the principle of the proposal is considered unacceptable, as there are factors of sufficient weight of harm under the impact on the Conservation Areas and Listed Buildings. Furthermore, Section 202 of the NPPF states, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The property has been extended previously with a single storey side extension under ref number 122516/FH/2019. The ground floor extension was allowed due to its position away from the listed buildings and its height, scale and massing, allowing visible permeability into and out of the site.

It is considered enlarging a dwelling house would be a private benefit and there is little evidence that any public benefits would accrue in relation to the Conservation Area. The private benefits would not outweigh the harm caused by the extensions and the outbuilding, therefore, in amenity terms, warrant refusal of the application.

Visual Amenity

The first-floor side extensions would sit upon single storey-built form that flanks the sides of the host dwellinghouse. The footprint of the extension to the right elevation of the building fits within the footprint of the single storey building below, whereas the first-floor extension to the left occupies a smaller footprint. The eaves height of both extensions is proposed to be marginally lowered than the ridge height of the roof.

The application property is a bespoke designed property as part of a wider redevelopment undertaken in the late 2010s. The property was designed and sited to address Wilmslow Road with details that would normally be located on the principal elevations of a residential property including centrally placed front door, projecting square ground floor bay windows and chimney. The design, detailing and proportions and locations of windows and doors were undertaken to reflect and respect the Wilmslow Road frontage and the Didsbury St James Conservation area. It should be noted that the properties from 801 Wilmslow Road through to 811 Wilmslow Road to the east of the application property are all Grade II listed buildings of a variety of styles and scale but all positively contributing to the conservation area. The application property together with the other newer property constructed at a similar time to the west of 801 Wilmslow Road were designed and detailed to reflect the importance of the Wilmslow Road frontage and to ensure they contributed positively to the character of the conservation area. The property was sited to provide a visual end to Bloomesbury Avenue and the principal elevation with its main entrance was designed to reflect this and also to be set off from the listed building at 809 Wilmslow Road.

As such 72 Bloomesbury Avenue was designed, with the protection of the character of the street scene and the conservation area and adjacent listed buildings in mind, by maintaining

significant gaps between buildings, and through careful siting and introduction of design features to both front and rear elevations. Currently, 72 Bloomesbury Road is double fronted with ground floor side extensions and is symmetrical in appearance. It is considered that the erection of two first floor side extensions would interfere with the symmetry of the building, due to their size and appearance. Therefore, the first-floor side extensions would be incongruous features which would be considered detrimental to the character of the surrounding area and would be detrimental to visual amenity. The proposal is therefore considered to conflict with policies as set out in the Core Strategy for the City of Manchester Policies DM1 and SP1 and saved policy DC1 of the UDP.

Further to the side extensions, the applicant is seeking consent for the erection of an outbuilding. Annotation of the outbuilding shows the building would be used as a gym and storage, accessed from the garden area.

The structure would measure approximately 5.6 metres in width, including the decked area, 9 metres in length and 2.5 metres in height. The roof would be flat with windows on the front facing the garden of 72 Bloomesbury Avenue. The location of the outbuilding on the side garden boundary and with a separate access constitutes a form of development that is out of character with the pattern of development in the area, where there are no outbuildings with the option of independent or separate access in rear gardens. The outbuilding can be viewed from Wilmslow Road and would sit within the open space forming rear gardens that separate the newer residential properties from the gable wall and boundary walls to the Grade II listed properties on The Grove. As such, the proposal represents an uncharacteristic form of development that is at variance with the prevailing character of the area.

The City Council considers that the proposed size and layout of the outbuilding would provide an incongruous feature which would be considered detrimental to the character of the surrounding area and furthermore, resulting in overdevelopment of the site.

The proposal is therefore considered to conflict with policies as set out in the Core Strategy for the City of Manchester Core Strategy Policy DM1 and SP1 and saved policy DC1and EN1 of the UDP.

The proposed front roof dormers facing into Bloomesbury Avenue would be of a type and scale that do not appear on buildings within the wider development. In terms of the design and appearance of the proposed dormers, in this instance it is considered that the harm from the proposed development would far outweigh the benefit as the general character of the property and the overall appearance of the proposal in the street scene would be undermined.

Saved UDP Policy DC1.2(a) and (c) also states that extensions to residential properties will be allowed subject to compliance with other relevant policies of the plan and provided following criteria can be met: "they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings" and "they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details. It is considered that the proposed dormers, would introduce a feature which would be out of character with the street scene and would disproportionately adversely impact on the visual amenity of the neighbouring occupiers in terms of outlook and given the proposed bulk. Thereby the proposal are considered to fail to satisfy this policy requirement.

Impact on the character of the Conservation Area.

The character of this part of the Didsbury St James Conservation Area is defined by the spatial characteristics of the dwellings, in terms of the layout, and the scale of the individual dwellings.

The height, scale and massing of the side extensions, the dormers and the outbuilding are considered to be unacceptable. The introduction of the first-floor extensions and the outbuilding in close proximity to the neighbouring properties, is considered to cause less than substantial harm to the conservation area as it results in three elements of built form being added to the host building, altering the layout and vistas into the site from Wilmslow Road. Furthermore, such extensions are less common features within this part of the conservation area.

The proposed development involves adding additional storeys which alters the sense of space between the application building and nearby properties, and the outbuilding takes built form closer to the neighbouring Grade II Listed property. The amount of proposed built form exacerbates the closeness to neighbouring properties, altering the character of the conservation area and the Wilmslow Road frontage that is experienced alongside adjacent Listed Buildings. Therefore, in this instance extending the dwelling house is considered to cause less than substantial harm to the character of the conservation area, however, the identified harm in this instance to the Didsbury St James Conservation Area is not considered to be outweighed by the limited public benefit that would be derived from the proposals and is contrary to policies EN3 of the Core Strategy, DC18 of the UDP and Chapter 16 of the NPPF.

Impact on Listed Building

The proposed outbuilding abuts the boundary fence of the application site and runs parallel with the side garden of no 807 and 809 Wilmslow Road a Grade ll listed building. There is a small gap between the garden fences. However, the structure of the outbuilding would be visible from Wilmslow Road. The design of the neighbouring listed property is highly stylised in architectural terms. Whereas the outbuilding is of a modern design. The contrasting architectural designs, the height, scale and massing of the structure in this highly visible location would cause harm to the setting of the neighbouring listed building. Saved UDP policy DC19.1 (Listed Buildings) states that in determining applications for listed building consent or applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to, amongst other things, protecting their general setting. The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity. The proposed extension would lie immediately adjacent to a listed building and as a result of the outbuildings relationship with the neighbouring listed building, it is considered that the proposal would not preserve or enhance their setting. For the above reasons, the proposal is considered to be unacceptable and consistent with policies EN3 and DM1 of the Core Strategy and saved policies DC19.1 of the Unitary Development Plan.

Furthermore, the condition imposed on the original approval that removed permitted development rights amongst other things including outbuildings, was imposed to protect the integrity of the setting of listed buildings close to the site and condition 38 of planning reference number 108541/OO/2015/S2, removal of permitted development rights were carried over in to subsequent variation applications.

Trees, landscaping and boundary treatment

No details have been provided regarding the possible impact the development may have on a protected Beech Tree which lies within the curtilage of the site. The applicant applied to remove the tree 135645/TCA/2022 which was refused consent. The tree is considered to be of high amenity value, in good health and visible to and enjoyed by both visitors and occupiers of surrounding properties, in particular on Wilmslow Road, Bloomesbury Avenue and Stenner Lane and to vehicular and non-vehicular passers-by. This Beech tree is also considered to be an important element in the Wilmslow Road and Bloomesbury Avenue street scene in particular and makes a valuable contribution to the wider urban landscape value of the surrounding area.

Response to objections

The issues raised by the objectors, in terms of the proposal would be out of character within the conservation area is discussed within the body of the report. However, the local planning authority does not raise concerns relating to overlooking, or impacting on privacy levels for the occupiers of the surrounding properties as a result of the dormers. Given, the distance and position of the dormers and their relationship with surrounding properties, it is not considered that they would result in overlooking harmful enough to warrant a refusal of the application in its own right. Furthermore, the floor plans provided for the outbuilding demonstrates the outbuilding is not for independent living, nor an Air BnB as suggested by the objector. The gym type activity shown on the drawings would be an ancillary use to the main dwelling house.

Conclusion

Extensive negotiations took place during the course of this application and the agent and applicant were afforded opportunity to take the detailed feedback. Unfortunately, an acceptable scheme has not been reached in this case. For the reasons explored above, it is considered that the proposal is of an unacceptable design and scale and the resultant dwelling has an incongruous appearance which unduly impacts the adjoining property and does not follow the pattern of development expected within Didsbury St James Conservation Area. Saved policy DC1 states that the alteration and extension of residential properties may be required to accommodate changing household needs, however, the proposals are considered to negatively impact upon the street scene and cause less than substantial harm to the conservation area, thus acting against the principles set out in the aforementioned policies. The proposal therefore cannot be supported by the City Council.

Other Legislative Requirements

Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations
This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a

decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: REFUSE

Article 35 Declaration

Officers have worked with the agent and applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the agent during the course of the planning application, but these concerns have not been sufficiently addressed. The proposal is considered to be contrary to the development plan and therefore cannot be supported by the City Council.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed first floor side extensions, the roof alterations and the outbuilding, by reason of their scale, massing and design, would form overly dominant and incongruous features within the street scene as well as harm the character of the Didsbury St James conservation Area. The proposed development is therefore contrary to policies SP1, EN3 and DM1 of the Manchester Core Strategy, extant policies DC1 and DC18 of the Unitary Development Plan for the City of Manchester and the guidance contained within the National Planning Policy Framework.

2) The proposed outbuilding, due to its siting, scale and appearance fails to preserve and enhance the settings of listed buildings and fails to respond positively to the character and appearance of the Didsbury St James Conservation Area. The outbuilding would be located in a prominent position that would detract from its historic setting. The proposal would cause less than substantial harm to the setting of the listed buildings, with the proposal also failing to provide the necessary public benefit to outweigh the identified harm. The proposal is therefore contrary to policies SP1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC18 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix 1 – List of consultees & neighbours notified

Didsbury Civic Society

68 Bloomesbury Avenue, Manchester, M20 2BN
70 Bloomesbury Avenue, Manchester, M20 2BN
Didsbury House, Didsbury Park, Manchester, M20 5LJ
809 Wilmslow Road, Manchester, M20 2QR
807 Wilmslow Road, Manchester, M20 2QR

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Didsbury St James Conservation Area 1970
Area Team Boundary - Name: SOUTH AREA